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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/385,626	08/27/1999	KARL ROTHENHOFER	Q55422	9433

7590 09/11/2002

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EXAMINER
PEZZLO, JOHN

ART UNIT	PAPER NUMBER
2662	

DATE MAILED: 09/11/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

MG

Office Action Summary

Application No.	Applicant(s)
09/385,626	Rothenhofer et al.
Examiner	**Art Unit**
John Pezzlo	2662

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☐ Responsive to communication(s) filed on _____ .

2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *1-9* is/are pending in the application.

4a) Of the above, claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) *1-7* is/are rejected.

7) ☒ Claim(s) *8 and 9* is/are objected to.

8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

9) ☒ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13) ☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) ☒ All b) ☐ Some* c) ☐ None of:

1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____ .
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

*See the attached detailed Office action for a list of the certified copies not received.

14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

a) ☐ The translation of the foreign language provisional application has been received.

15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s). 4
4) ☐ Interview Summary (PTO-413) Paper No(s). _____
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other:

DETAILED ACTION

Specification

The disclosure is objected to because of the following informalities: On pages 1, 2, and 3 references are made to the features as set forth in the claims. Since the claims are subject to change the features should be explicitly written into the specification and not based on referring to the claims. Appropriate correction is required.

Claim Objections

Claim 4 is objected to because of the following informalities: Line 3 refers to "the subscriber lines" which lacks antecedent basis. Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless -
>
> (e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by

another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

III. Claims 1-5 are rejected under 35 U.S.C. 102(e) as being anticipated by Weinstein et al. (US 6,035,020) hereinafter Weinstein.

1. Claim 1 - Regarding "*calls from subscribers to an internet are recognized, and that in the front end of the switching facility associated with said subscribers, those packets of a plurality of subscriber channels that are to be sent to the internet are combined onto a single channel (concentrating channel)*", Weinstein discloses that data calls to an Internet service provider (callout 197 in Figure 3) are recognized by the data dialing prefix detector (callout 125 in Figure 3) which determines if a call needs to be routed to the Internet, refer to column 9 lines 3 to 19. Weinstein discloses that a voice/data switch (callout 130 in Figure 3), located in the front end of the switching facility (callout 200 in Figure 3), directs the subscriber data traffic through a digital data call concentrator (callout 205 in Figure 3) which concentrates and directs packets through modems (callout 167 in Figure 3) to a router (callout 180 in Figure 3) that merges and routes the

data packets to an Internet service provider requested by the subscriber, refer to column 9 lines 49 to 67 and column 10 lines 1 to 6.

2. Claim 2 - Regarding "*two or more concentrating channels are provided, and that packets of two or more subscribers are fed into concentrating channels without fixed assignment to the subscribers*", Weinstein discloses two output channels (concentrating channels) are provided from the digital data call concentrator (callout 205 in Figure 3), refer column 9 lines 49 to 53. Weinstein discloses that the packets are directed by the digital data call concentrator to an available modem in the modem bank (callout 170 in Figure 3) without fixed assignments to the subscribers, refer to column 6 lines 7 to 10.

3. Claim 3 - Regarding "*subscriber channels over which data are transmissible in packet form, and a switching facility (10) with crosspoints each capable of switching a subscriber channel to an outgoing channel, particularly for carrying out the method claimed in claim 1, characterized in that at least one concentrator (55, 55') is provided which combines packets of two or more subscriber channels to be sent to an internet onto at least one concentrating channel leading to the switching facility and switched via a switching path, with the number of the two or more concentrating channels being less than the number of said subscriber channels*", Weinstein discloses subscriber channels (callout 110 in Figure 3) which transmit data to a switching facility (callout 200 in Figure 3) which comprises a voice/data switch (crosspoints), callout 130 in Figure

3, and a router (callout 180 in Figure 3) wherein the router is capable of routing subscriber packet data to an Internet service provider, callout 197 in Figure 3. Weinstein discloses carrying out the method of claim 1, wherein a digital data call concentrator (callout 205 in Figure 3) receives data from two or more subscribers (callout 122 in Figure 3) and directors the data to a modem (callout 167 in Figure 3) within a modem bank (callout 170 in Figure 3) which transmits the data to a router (callout 180 in Figure 3) which is part of the switching facility, refer to column 10 lines 6 to 17 and column 10 lines 29 to 33. The router packetizes the data and routes the data to an Internet service provider (callout 197 in Figure 3) as selected by the subscriber, refer to column 9 lines 49 to 67. As shown in Figure 3, the three subscriber channels (callout 110 in Figure 3) are more than the two output channels of the digital data call concentrator (callout 205 in Figure 3).

4. Claim 4 - Regarding "*being designed to also transmit voice signals on the subscriber lines*", Weinstein discloses that the subscriber lines are designed to also transmit voice signals, refer to column 10 lines 17 to 23.

5. Claim 5 - Regarding "*a distribution unit (destination unit 80) is provided which distributes combined packets to two or more channels, particularly for routing the packets to at least one service provider determined by a destination address*", Weinstein discloses a router, callout 180 in Figure 3, (a distribution unit) which is connected to a data network (callout 185 in Figure 3) for routing combined packets over two or more channels, as provided by the digital

data call concentrator and the modem bank (two modems), to a particular Internet service provider (callout 197 in Figure 3), which has been selected by the subscriber, utilizing a destination address generated by the data address generator (callout 195 in Figure 3), refer to column 9 lines 49 to 67.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

IV. Claims 6 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Weinstein (same as above).

1. Claim 6 - Regarding "*it is an ISDN system*", Weinstein discloses that the switching system facilitates evolution to an ISDN system, refer to column 10 lines 43 to 54.

Weinstein does not expressly disclose that the system is an ISDN system.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art for Weinstein to provide an ISDN system. The suggestion/motivation for doing so would

have been that Weinstein discloses evolving to an ISDN system which is the packet routing network that is replacing the PSTN circuit switched network for data communications and upgrading the equipment to handle ISDN and providing an ISDN system will have the benefit of supporting data communications using standardized protocols and equipment for data compatibility across the data network.

2. Claim 7 - Regarding " *comprising at least one device (90) for concentrating data incoming on two or more B channels (92) in a single outgoing channel (57) (concentrating channel)*", Weinstein discloses a digital data call concentrator (callout 205 in Figure 3) for directing and concentrating a plurality of subscriber data channels (callout 110 in Figure 3) through a modem bank (callout 170 in Figure 3), refer to column 10 lines 1 to 6.

Weinstein does not expressly disclose one device for concentrating data incoming on two or more B channels in a single outgoing channel.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art for Weinstein to provide a device which combines two B channels into a single output channel. The suggestion/motivation for doing so would have been that Weinstein discloses evolving to an ISDN system. The ISDN system utilizes B channels for data or voice communication wherein each user access for a basic rate interface (BRI) service comprises one channel which includes 2B + D channels, each B channel is a 64 Kbps channel and the D channel is 16 Kbps control channel. The digital data call concentrator of Weinstein would evolve to

combine the two user B channels into one 128 Kbps channel providing the benefit of supporting data communications while combining the number of channels which need to be routed to save addresses and channels in order to accommodate more users.

Allowable Subject Matter

Claims 8 and 9 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

1. King (US 6,055,224) discloses a method and system for handling telecommunications data traffic.

2. Nishimura (US 5,999,609) discloses a computer telephony (CT) system including an electronic call request.

3. Ericson et al. (US 5,748,628) discloses an ISDN D-channel signaling discriminator.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John Pezzlo whose telephone number is (703) 306-5420. The examiner can normally be reached on Monday to Friday from 8:30 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hassan Kizou, can be reached on (703) 305-4744. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9314.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4700.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C.

or faxed to:

(703) 872-9314

For informal or draft communications, please label "PROPOSED" or "DRAFT"

Hand delivered responses should be brought to:

Receptionist (Sixth floor)

Crystal Park 2

2121 Crystal Drive

Arlington, VA.

John Pezzlo

6 September 2002